

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1742 – SB 2379

March 5, 2014

SUMMARY OF ORIGINAL BILL: Broadens the definition of “eligible petitioner” for purposes of having criminal records expunged under Tenn. Code Ann. § 40-32-101 to include an individual convicted of one or more of the offenses listed in Tenn. Code Ann. § 40-32-101 if the offenses arose from the same conduct or criminal event.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Exceeds \$500/TBI

Exceeds \$1,200/District Attorneys Expunction Fund

Exceeds \$100/Public Defenders Expunction Fund

Exceeds \$1,300/General Fund

Increase Local Revenue – Exceeds \$100/Court Clerks

SUMMARY OF AMENDMENT (013649): Clarifies that the multiple offenses that may be expunged must be based upon conduct that occurred contemporaneously, occurred at the same location, and represented a single continuous criminal episode with a single criminal intent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350.00 fee one pays for having records expunged is distributed as follows:
 - \$10.00 to the court clerk collecting the fee;
 - \$50.00 to the Tennessee Bureau of Investigation (TBI);
 - The remainder (\$290.00) is distributed:
 - 5 percent (\$14.50) to the public defenders expunction fund;
 - 45 percent (\$130.50) to the district attorneys expunction fund; and
 - 50 percent (\$145.00) to the general fund.

- It is assumed that the proposed legislation will result in at least 10 additional expunctions each year.
- The proposed legislation will increase state revenue as follows:
 - TBI – $\$50 \times 10 = \500 ;
 - Public Defenders Expunction Fund – $\$14.50 \times 10 = \145 ;
 - District Attorneys Expunction Fund – $\$130.50 \times 10 = \$1,305$; and
 - General Fund – $\$145 \times 10 = \$1,450$.
- The total increase in state revenue is \$3,400 ($\$500 + \$145 + \$1,305 + \$1,450$).
- The proposed legislation will result in an increase in local revenue in an amount equal to \$100 ($\10×10).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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